

REMARKS

The Office Action dated February 24, 2004 has been carefully reviewed. Claims 1-7 are pending in this application. By this amendment, claim 2 has been canceled. Claim 1 has been amended to include the limitations of canceled claim 2. Claims 3-7 are unchanged by this amendment.

Claims 1-3 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,963,315 issued to Hiatt et al (hereinafter "Hiatt"). By this amendment, claim 1 has been rewritten to include the limitations of claim 2, and is as follows:

1. An apparatus for fabricating a semiconductor wafer, comprising:
a wafer handling device, and
a contaminant sensor secured to the wafer handling device, the contaminant sensor being configured to detect presence of a contaminant on a backside of the wafer when the wafer is positioned in the wafer handling device, wherein the contaminant sensor comprises a deformable detection surface configured to contact the backside of the wafer when the wafer is positioned in the wafer handling device.

The system of Hiatt does not include each and every one of the above limitations. For example, amongst other things, the system of Hyatt does not include a contaminant sensor that includes "a deformable detection surface configured to contact the backside of the wafer when the wafer is positioned in the wafer handling device." In the rejection of claim 2 in the 2/24/04 Office Action, the Examiner indicated that such a feature was found in Hiatt at column 5, lines 33-40 (see 2/24/04 Office Action on page 2, lines 12-14). Respectfully, Applicants have reviewed the cited portion of Hiatt, along with the remainder of the reference, and can find no teaching of "a deformable detection surface" as recited in amended claim 1 (and originally filed claim 2).

As a result of these and other differences, Hiatt does not anticipate Applicants' amended claim 1. It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Hiatt does not disclose each and every element of Applicants' claim 1, and, as a result, does not anticipate Applicants' claim 1.

If the rejection of claim 1 is maintained after considering the remarks presented herein, the Examiner is respectfully requested to specifically indicate where each limitation of claim 1 is disclosed in Hiatt (e.g. by line and column number).

Rejected claim 3 is dependent on claim 1. As such, claim 3 is allowable for at least the reasons herein discussed in regard to claim 1.

Claims 4-7 were indicated as being allowable in the 2/24/04 Office Action.

In view of the foregoing amendments and remarks, it is submitted that this application is in a condition for allowance. Action to that end is hereby solicited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 31692-73091.

Respectfully submitted,

BARNES & THORNBURG



Shawn D. Bauer

Attorney Reg. No. 41,603

May 10, 2004
Indianapolis, IN
(317) 231-7313

INDS02 SDB 352266v1